

**DEPOSITION OF GREGORY W. TAZIC - September 5, 2003**

<p style="text-align: center;">1</p> <p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF OHIO 3 WESTERN DIVISION 4 5 DOUGLAS W. BAILLIE, 6 7 Plaintiff, 8 9 vs. No. C-1-02-062 10 CHUBB &amp; SON INSURANCE, 11 12 Defendant. 13 14 15 16 17 18 19 The telephonic discovery deposition of GREGORY 20 W. TAZIC taken in the above-entitled cause, before LISA 21 A. MONDELLI, a notary public of DuPage County, Illinois, 22 on the 5th day of September, 2003, at 500 Park Boulevard, 23 Suite 600, Itasca, Illinois, at 1:00 p.m., pursuant to 24 Notice.</p>	<p style="text-align: center;">3</p> <p>1 DEPOSITION OF GREGORY W. TAZIC 2 SEPTEMBER 5, 2003 3 GREGORY W. TAZIC, 4 called as a witness herein, having 5 been first duly sworn, was examined 6 upon oral interrogatories and 7 testified as follows: 8 EXAMINATION 9 By-Mr.Napier 10 MR. NAPIER: Q. Hi, 11 Mr. Tazic. My name is Mark Napier, 12 and I represent Doug Baillie in a 13 lawsuit that has been filed against 14 Chubb in the U.S. District Court in 15 the Southern District of Ohio here in 16 Cincinnati, and we've asked you to 17 appear today by telephone by agreement 18 in order that we may take your 19 deposition. 20 Have you ever given a 21 deposition before? 22 A. Yes. 23 Q. On how many occasions? 24 A. Twice.</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES BY WAY OF TELEPHONE: 2 3 4 FREKING &amp; BETZ 5 MR. MARK NAPIER 6 215 East 9th Street 7 5th Floor 8 Cincinnati, Ohio 45202 9 (513) 721-1977 10 On behalf of the Plaintiff; 11 12 13 KEATING, MUETHING &amp; KLEKAMT 14 MR. DAVID MONTGOMERY 15 1400 Provident Tower 16 One East Fourth Street 17 Cincinnati, Ohio 45202 18 (513) 579-6475 19 On behalf of the Defendant. 20 21 22 23 24</p>	<p style="text-align: center;">4</p> <p>1 Q. How long ago or what years 2 did those depositions occur? 3 A. I don't recall the years but 4 they were greater than three years 5 ago. 6 Q. Okay. Well, let me begin 7 by going over a few guidelines that 8 may help the process go a little bit 9 smoother, particularly the fact that 10 we are all in different locations and 11 connected here by telephone. 12 I'm going to be asking 13 you questions today of course, and I 14 would ask that you wait until I have 15 finished my question before you 16 respond. 17 Is that okay? 18 A. Yes. 19 Q. Also, I'm going to be asking 20 you questions, and obviously it's very 21 important that you give an oral 22 response as opposed to a non-oral or 23 nonverbal response, such as a nod or 24 a shake of the head, because, one,</p>

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<p style="text-align: center;">5</p> <p>1 obviously I can't see that and, two, 2 the court reporter needs to be clear 3 as to your response. 4 Okay? 5 A. Okay. 6 Q. If at any time you don't 7 understand my question, let me know 8 and I'll try to ask it or rephrase 9 -- or rephrase it so that you do 10 understand the question. 11 If you answer the 12 question, I will have assumed that 13 you understood the question. 14 Fair enough? 15 A. Okay. 16 Q. And finally, if at any time 17 you want to take a break for any 18 reason, we can certainly do so. 19 My purpose today is not 20 to trick you in any manner. I'm 21 just simply trying to find out what 22 information you may have that's 23 relevant to the case. So again, it's 24 important that you understand my</p>	<p style="text-align: center;">7</p> <p>1 Q. And what is your wife's 2 name? 3 A. Catherine. 4 Q. Is Catherine employed by 5 Chubb or has she ever been employed 6 by Chubb? 7 A. No. 8 Q. And who is your current 9 employer? 10 A. Chubb &amp; Son, a division of 11 Federal Insurance Company. 12 Q. What is your current 13 position with Chubb? 14 A. Marketing manager. 15 Q. How long have you held that 16 position? 17 A. Since March 2nd of 2003. 18 Q. And what is your work 19 location? 20 A. I'm located in Itasca, 21 Illinois. 22 Q. And what is your business 23 address? 24 A. 500 Park Boulevard, Itasca,</p>
<p style="text-align: center;">6</p> <p>1 question. 2 Why don't we start out, 3 if you would, state your full name 4 for the record. 5 A. Sure. It's Gregory William 6 Tazic. 7 Q. Mr. Tazic, what is your 8 current residence address? 9 A. [REDACTED] 10 [REDACTED] 11 Q. And what is your current 12 home telephone number? 13 A. Area code [REDACTED] 14 Q. What is your date of birth? 15 A. [REDACTED] 16 Q. I'm also born on [REDACTED]. 17 That's a coincidence. 18 A. We'll celebrate [REDACTED] 19 [REDACTED] together. 20 Q. That's right. That's a 21 great day to have a birthday. 22 Are you married or 23 single? 24 A. I am married.</p>	<p style="text-align: center;">8</p> <p>1 Illinois, 60 -- 60143. 2 Q. If you could, what is -- 3 what is your date of hire with Chubb? 4 A. It was November of 1991. 5 Q. And what was your first 6 position with Chubb? 7 A. I was a litigation examiner. 8 Q. If you could start with your 9 first position and go through your 10 progression of positions with Chubb. 11 A. I started as the litigation 12 examiner, became a senior litigation 13 examiner, claim supervisor, claim unit 14 manager, claim manager, and then 15 regional claim manager and now 16 marketing manager. 17 Q. Okay. When you began as a 18 litigation examiner -- examiner, what 19 was your -- where were you located? 20 A. In the Chicago branch. 21 Q. And who was your direct 22 supervisor? 23 A. Robert Covington. 24 Q. When did you become a senior</p>

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<p style="text-align: center;">9</p> <p>1 litigation examiner? What year, if 2 you remember? 3 A. Approximately one year after 4 I started or thereabouts. 5 Q. Were you still in the 6 Chicago branch? 7 A. Yes. 8 Q. And did Mr. Covington still 9 serve as your supervisor? 10 A. Yes. 11 Q. Do you know what year you 12 became a claim supervisor? 13 A. No. 14 Q. Do you know approximately 15 how long you held the senior 16 litigation examiner position until you 17 moved into claim supervisor? Just 18 approximate. 19 A. Yeah, probably about a year 20 after. Maybe a year, year and a 21 half after. 22 Q. Okay. As a claim 23 supervisor, were you still in Chicago? 24 A. Yes.</p>	<p style="text-align: center;">11</p> <p>1 A. At that time, there was a 2 dual accountability reporting 3 structure for claims. So I reported 4 to the branch manager who was Bill 5 Reynolds at the time and then I also 6 reported to the zonal -- the zone 7 claim manager who was, oh, it is 8 either Bill Crowley (phonetic) or 9 Michael Stapleton. I don't recall. 10 Q. Okay. And what year did 11 you become a regional claim manager? 12 A. I actually assumed several 13 responsibilities, including the 14 oversight of Cleveland, Louisville, 15 Indianapolis, and for some time 16 Pittsburgh, so I had a regional title 17 or a regional role probably beginning 18 maybe in '99, maybe even a little bit 19 earlier. 20 Q. Okay. And in that role, 21 who were your supervisors? 22 A. Actually at that time, my 23 direct supervisor was a gentleman by 24 the name of John Molar (phonetic) and</p>
<p style="text-align: center;">10</p> <p>1 Q. And who was your direct 2 supervisor at that time? 3 A. Charles Adams. 4 Q. And do you know what year 5 you became the claim unit manager? 6 A. Oh, probably anywhere 7 between 19 -- maybe 1995, maybe '96. 8 Q. Okay. And were you still 9 in Chicago? 10 A. Yes. 11 Q. And who was your supervisor 12 when you held the claim unit manager 13 position? 14 A. Michael Hinojosa. 15 Q. You better spell the last 16 name. 17 A. H-i-n-o-j-o-s-a. 18 Q. And what year did you become 19 claim manager? 20 A. In 1997. 21 Q. And what location? 22 A. The Cincinnati branch. 23 Q. And who was your supervisor 24 when you became claim manager?</p>	<p style="text-align: center;">12</p> <p>1 then also Mike Stapleton. 2 Q. What was Mr. Molar's 3 position with the -- with Chubb? 4 A. John Molar was the Mideast 5 regional claim manager. 6 Q. And what was the position of 7 Mr. Stapleton? 8 A. Mike Stapleton was the 9 Midwest regional claim manager. 10 Q. And you reported to both of 11 these gentlemen? 12 A. The claim department at that 13 time was reorganizing and changing 14 from zones to regions. So for some 15 part of that time, I was working for 16 Mike and then we switched and my 17 territory became part of a different 18 region and I started working for 19 John. 20 Q. Okay. And did you continue 21 as the regional claim manager then up 22 until you became a marketing manager 23 in March of '03? 24 A. Yes.</p>

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<p>13</p> <p>1 Q. When you served as the 2 regional claim manager, was that at 3 the Cincinnati branch location? 4 A. Yes. 5 Q. Do you know an individual by 6 the name of Doug Baillie? 7 A. Yes. 8 Q. How do you know Mr. Baillie? 9 A. Doug was the regional branch 10 manager, also located in Cincinnati. 11 Q. Did he supervise you in some 12 manner? 13 A. I regularly had interaction 14 with Doug in his role as the regional 15 branch manager; and in my role as the 16 -- in the claims region, there was a 17 lot of interaction between us. 18 Q. How frequently would you and 19 Doug interact? 20 A. It would depend. It was 21 sometimes I would take the initiative 22 to talk to him about things that were 23 going on in the territory. You know, 24 there were times where he wasn't here</p>	<p>15</p> <p>1 again, it was very sporadic. 2 Q. When you and he would 3 interact, what was the purpose of the 4 meetings? What was discussed, if you 5 could describe? 6 A. A variety. From managers' 7 meetings, to production meetings, to 8 discussions about claim issues or 9 specific claims, to discussions about 10 anything relating to the claim 11 department that might have some type 12 of a impact with our agents or, you 13 know, the business, you know, the 14 Cincinnati -- you know, the Cincinnati 15 business. 16 Q. In your role as the regional 17 claim manager, could you describe for 18 me your duties and functions in that 19 role? 20 A. A variety. From insuring 21 the claim department standards and 22 results were achieved, to developing 23 folks within the region, to working 24 with various branch managers,</p>
<p>14</p> <p>1 or wasn't around. So it was -- it 2 was sporadic. 3 Q. Did -- were you and he -- 4 were your offices located at the -- 5 in the same branch? 6 A. Yes. 7 Q. Did you see him on a daily 8 basis, generally, or less frequently? 9 A. Oh, early on in the first 10 -- the first -- when he first came 11 on board, I didn't see him very much 12 at all. Later on I saw him a little 13 bit more, but again, it was -- it 14 was somewhat sporadic. 15 Q. Would you say it would be 16 once a week, twice a week? If you 17 can give me some sort of indication 18 of the frequency of when you and he 19 would interact. 20 A. You know what, I can't give 21 you an -- a guess like that because 22 again sometimes I would see him a few 23 times a week and then I might not 24 see him the next week and it was --</p>	<p>16</p> <p>1 underwriting managers, as far as what 2 things we were doing maybe in claims 3 that might have an impact on their 4 bottom line, as well as things in the 5 territory that were occurring that 6 might have an impact on results. 7 Are you both still 8 there? 9 MR. MONTGOMERY: Yes. 10 MR. NAPIER: Yes. 11 THE WITNESS: Okay. 12 MR. NAPIER: Yeah, I 13 heard some static there. 14 THE WITNESS: Yeah. 15 MR. NAPIER: I'm not 16 sure what that was. 17 THE WITNESS: It also 18 included -- I mean, I played a fairly 19 active role in some of the various 20 activities in the branch from the -- 21 kind of the Employee Recognition type 22 Committee to our Diversity Committee. 23 So I like to describe 24 the job that I did or the role that</p>

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<p style="text-align: center;">17</p> <p>1 I played was -- I mean, I was really 2 engaged in a lot of different things, 3 including the claim department 4 functions.</p> <p>5 MR. NAPIER: Q. What 6 was your role with the Diversity 7 Committee?</p> <p>8 A. I was actually the co-chair 9 of the Diversity Committee.</p> <p>10 Q. What kind of -- what was 11 the function or purpose of the 12 Diversity Committee?</p> <p>13 A. Our job or our role was to 14 try to create or come up with 15 different ideas that we thought could 16 assist our branch in supporting, you 17 know, the corporate culture or the 18 corporate diversity initiatives.</p> <p>19 Q. What did you understand the 20 corporate diversity initiatives to be?</p> <p>21 A. There actually was several 22 that the chairman had put out, and we 23 use that a little bit as our 24 guideline. What I think might</p>	<p style="text-align: center;">19</p> <p>1 recruiting purposes.</p> <p>2 We also tried a -- 3 something fun, like a, you know, a 4 cultural potluck luncheon.</p> <p>5 And then finally, I 6 think the last thing that we had 7 worked on was we created a monthly 8 diversity table in which a group 9 could pick a topic and they would, 10 you know, decorate the table and give 11 handouts and quizzes and just 12 different things to kind of celebrate 13 the whole culture of inclusion.</p> <p>14 Q. You indicated you were the 15 co-chair. Who was the other 16 co-chair?</p> <p>17 A. Diane Haggard.</p> <p>18 Q. What led to the creation or 19 implementation of the Diversity 20 Committee?</p> <p>21 A. I actually when I started in 22 the Cincinnati branch there was a 23 Diversity Committee that existed and 24 it, best description, disappeared.</p>
<p style="text-align: center;">18</p> <p>1 explain it better is we actually went 2 to the group into the branch and 3 asked them to give us ideas of things 4 that they thought we could do to 5 support Chubb's corporate vision of 6 diversity.</p> <p>7 And from there, our 8 committee picked a few of the ideas 9 and then we ran with them and 10 implemented them in the branch.</p> <p>11 Q. What were some of the ideas 12 that you all implemented?</p> <p>13 A. One that we did was called 14 Outreach. We partnered with the food 15 bank, the free store food bank in 16 Cincinnati.</p> <p>17 The second thing that 18 we did we tried to identify a 19 minority mentoring program.</p> <p>20 Another thing that we 21 did was try to partner with 22 universities that had a higher -- had 23 a significant minority or diverse 24 population of students for our</p>	<p style="text-align: center;">20</p> <p>1 Several people that were on it either 2 moved to different branches. That 3 just for a variety of reasons the 4 group kind of fell apart.</p> <p>5 Q. Is that the circumstance 6 that you found when you arrived I 7 believe it was in '97?</p> <p>8 A. Yes, that was back in 1997.</p> <p>9 Q. Okay.</p> <p>10 A. I was involved in that a 11 little bit, but again, it just kind 12 of fell apart. So -- and I wasn't 13 very actively involved.</p> <p>14 What I did was I 15 actually had a discussion with Diane 16 about trying to restart the idea of 17 having a Diversity Committee in the 18 Cincinnati branch, and we bounced a 19 few ideas off each other as far as 20 how we thought kind of the vision of 21 where we thought it might look.</p> <p>22 For example, when I 23 first came to the branch in '97, it 24 involved all of Cleveland, Louisville,</p>

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<p style="text-align: center;">21</p> <p>1 and Cincinnati and that was much 2 harder to coordinate any activities. 3 So we first decided why don't we 4 start with the Cincinnati branch and 5 if -- you know, and then we can move 6 on from there. 7 And then we kind of 8 came up with the vision of what we're 9 going to try do is maybe come up 10 with, you know, one or two ideas or 11 three ideas and we'll talk to the 12 group and -- and we'll really kind of 13 make it a team thing to keep it kind 14 of active and going. 15 And so it was her and 16 I that kind of sat and kind of 17 brainstormed that idea and rolled it 18 out actually. 19 Q. Okay. You talked about an 20 Employee Recognition Committee. Could 21 you describe your functions relating 22 to that committee? 23 A. Yeah, that was actually -- I 24 forget the exact name, but it was the</p>	<p style="text-align: center;">23</p> <p>1 A. I don't think Doug was one 2 way or the other with respect to the 3 Diversity Committee itself. 4 Q. Well, was he supportive of 5 the activities that you engaged in as 6 part of the Diversity Committee? In 7 other words, was he supportive of the 8 Outreach programs? 9 A. I would say as far as the 10 Outreach program one of the things 11 that we did for the Outreach with the 12 food bank was that we needed to take 13 -- we wanted to get the folks there 14 I think it was every Thursday, and so 15 Doug did allow folks to use some time 16 during the day to go to the food 17 bank to work. So, yes, for the food 18 bank, he was very -- he was 19 supportive. 20 Q. Was there also a -- I think 21 you described it as a minority 22 mentoring program? 23 A. Uh-huh. 24 Q. Do you recall whether or not</p>
<p style="text-align: center;">22</p> <p>1 committee that was in the branch to 2 roll out activities for the branch 3 from the picnic to, you know, maybe a 4 branch picnic to just social events, 5 and I forget the name, and I was 6 just a member of that for I think I 7 started in maybe '98 or '99 on that 8 committee, and I did that for a 9 couple of years. 10 Q. Regarding the Diversity 11 Committee, it sounds like what you 12 were indicating is that they would 13 engage also in more or less community 14 service activities? 15 A. That just was one -- it was 16 -- one of the ideas was community 17 outreach. 18 Q. I think you described some 19 of those with the -- the minority 20 mentoring programs and food bank and 21 the university partnership. 22 Did -- did Mr. Baillie 23 did he appear supportive of the 24 Diversity Committee?</p>	<p style="text-align: center;">24</p> <p>1 Mr. Baillie participated in that 2 program? 3 A. He did. 4 Q. Did he mentor a local 5 minority business? 6 A. It didn't really go anywhere 7 as far as I know. It sort of -- we 8 did the introductions and -- and then 9 it sort of -- well, then it sort of 10 disappeared, for whatever reason. 11 Q. When you say it disappeared, 12 what are you talking about? 13 A. Well, I didn't -- you didn't 14 hear anything else about it. 15 Q. Okay. But there was a 16 mentoring program at one time? 17 A. There was, yes. 18 Q. Okay. There was an attempt 19 -- and is it your recollection that 20 Mr. Baillie participated in that 21 program? 22 A. Yes, he was the branch 23 manager that I partnered with a local 24 minority business owner.</p>

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<p style="text-align: center;">25</p> <p>1 Q. Were there any other ways in 2 which Mr. Baillie participated in the 3 Outreach programs that you recall? 4 A. Do you mean Outreach by the 5 free store food bank? 6 Q. The food bank, minority 7 mentoring program, or any other 8 Outreach-type programs that you all 9 may have implemented as part of the 10 Diversity Committee? 11 A. Not that I can recall, no. 12 Q. Overall did you believe Mr. 13 Baillie was supportive of the 14 Diversity Committee? 15 A. No. 16 Q. How was he -- how was he 17 not supportive of the Diversity 18 Committee? 19 A. There was a -- there was 20 one instance in which -- there was an 21 instance in which -- in which Doug 22 made a comment regarding working women 23 and that companies that typically show 24 some type of flexibility for women in</p>	<p style="text-align: center;">27</p> <p>1 regarding flexible schedules as to 2 men? 3 A. No, he didn't mention men. 4 Q. You described this as one 5 instance. Is this -- is this the 6 only instance that you would base 7 your opinion on that he was not 8 supportive of the Diversity Committee? 9 A. That's the -- that is the 10 one instance that sticks out in my 11 head. 12 Q. Are there any other 13 instances or circumstances that cause 14 you to arrive at the opinion that he 15 was not supportive of the Diversity 16 -- Diversity Committee? 17 A. Yes. 18 Q. What else? 19 A. It would have been nice if 20 Doug would have -- it would have been 21 somewhat supportive if Doug could have 22 participated in our discussions about 23 what we wanted to do for the branch 24 from a Diversity Committee standpoint.</p>
<p style="text-align: center;">26</p> <p>1 the workplace usually end up going 2 under. 3 And so when you say 4 support Diversity Committee, it's fine 5 to support a few of the items but 6 the idea behind the Diversity 7 Committee was that we were supposed 8 to be creating a culture of 9 inclusion. So, you know, letting 10 people go and do a free store food 11 bank and then in a separate 12 discussion talk about working women 13 bringing down the workplace to me was 14 not very supportive. 15 Q. Are you saying that he said 16 that working women are bringing down 17 the workplace or he expressed 18 opposition to flex time? 19 A. He said that women that work 20 and that do have kind of that 21 flexible schedule or need a flexible 22 schedule companies that allow that go 23 under. 24 Q. Did he express this opinion</p>	<p style="text-align: center;">28</p> <p>1 Q. When you say participate in 2 discussions, are you talking about 3 committee meetings? 4 A. Attend them, want to know 5 what's going on with those meetings, 6 have a dialogue with the committee 7 co-chairs. 8 Q. Are you saying he did not 9 discuss with you the activities of 10 the Diversity Committee? 11 A. Other than me or Diane -- 12 and Diane could speak for herself. 13 Other than myself going in and asking 14 him about specific things that I 15 would need from him, no, I don't 16 recall any instance in which, you 17 know, Doug would make, you know, the 18 -- Doug would take the initiative to 19 come and talk to us about it -- or 20 talk to me about it. 21 Q. When you felt the need to 22 talk to him about the Diversity 23 Committee, would he listen? 24 A. It's not when I felt the</p>

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<p style="text-align: center;">29</p> <p>1 need to talk to him. It was more 2 when it was time to talk to him 3 about something we had discussed as 4 the committee and that I had to go 5 present to him as the branch manager. 6 Q. On those occasions, did he 7 listen to what you had to say? 8 A. I don't know if he was 9 listening to what I said. I would 10 speak and he would look at me. Now, 11 whether or not he was listening, 12 that's something only he could 13 probably answer. 14 Q. But he would meet with you? 15 He wouldn't refuse to meet with you 16 on those occasions? 17 A. No. 18 Q. He would meet with you and 19 you would communicate to him 20 apparently some bit of information 21 regarding the Diversity Committee, 22 correct? 23 MR. MONTGOMERY: 24 Objection. Asked and answered.</p>	<p style="text-align: center;">31</p> <p>1 as the Cincinnati regional branch 2 manager, did he attend any of the 3 meetings? 4 A. I don't recall if he did or 5 didn't. I mean, I don't recall if 6 he attended any. 7 Q. You don't recall either way? 8 A. No, I don't recall him 9 attending any. 10 Q. Okay. How often would the 11 meetings be held? 12 A. It would be any time -- it 13 could be once every three weeks, once 14 a month. 15 Q. Was there no regular 16 schedule to the meetings? 17 A. We did, if I recall 18 correctly, have a regular schedule set 19 up; but obviously if, you know, 20 something had come up that we needed 21 to talk about beforehand, we might 22 reschedule it and set a different 23 time. 24 Q. How frequently were the</p>
<p style="text-align: center;">30</p> <p>1 MR. NAPIER: Q. All 2 right. Sir, what I'm trying to make 3 sure I understand is when you would 4 want to meet with him regarding the 5 Diversity Committee he did not refuse 6 to meet with you; is that correct? 7 A. Yes. 8 Q. Was it his role to attend 9 the Diversity Committee meetings? 10 A. Are you asking from my 11 opinion? 12 Q. Well, I'm asking for your 13 knowledge. Did you understand that 14 he as the regional branch manager was 15 to attend the Cincinnati Diversity 16 Committee meetings? 17 A. As the branch manager and as 18 the regional branch manager and I 19 would have -- I would have expected 20 as a demonstration of strong 21 leadership skills within the branch to 22 attend a Diversity Committee meeting, 23 yes. 24 Q. Did I -- during his tenure</p>	<p style="text-align: center;">32</p> <p>1 scheduled meetings? 2 A. As I said before, they were 3 I think we tried to hit every -- it 4 was once a month or, you know, once 5 every three weeks depending. 6 Q. Where would the meetings be 7 held? 8 A. In the branch board room. 9 Q. Well, what -- well, how many 10 persons were members of the committee? 11 A. I don't recall the specific 12 number offhand. 13 Q. Can you give me some 14 estimate -- and when I say members of 15 the committee, persons -- not 16 necessarily persons that would attend 17 the meetings but how many persons 18 were recorded as members of the 19 committee? 20 A. Oh, actually one -- you 21 know, one of the things that we 22 rolled out is that it was expected if 23 you were going to be on that 24 committee that your attendance would</p>

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<p style="text-align: center;">33</p> <p>1 be regular and if you were not going 2 to be able to attend the meeting, you 3 know, somebody would come with the 4 information that maybe you were going 5 to bring or share or that you would 6 have -- you would talk to somebody 7 and say I can't get there because of 8 this. 9 Q. Okay. 10 A. So mostly -- I mean, the 11 people that were there that would 12 attend the meetings were on the 13 committee. I mean, that -- that was 14 the group. 15 Q. All right. 16 A. How many there were, 17 honestly I cannot remember the number 18 but -- 19 Q. Well, as a co-chair -- 20 A. -- probably more than ten. 21 Q. More than 10, less than 20? 22 MR. MONTGOMERY: I 23 think he just answered that. 24 MR. NAPIER: I didn't</p>	<p style="text-align: center;">35</p> <p>1 A. Usually beginning at the 2 meeting we would say everybody let's 3 check and see when -- when can 4 everybody meet again, are you 5 available, and that's how we would 6 initially pick the date. 7 Q. So the date would be picked 8 sort of by consensus of those present 9 as to the next meeting date? 10 A. It would be picked the 11 initial meeting based on the group's 12 discussion, yes. 13 Q. So if everyone showed up on 14 September 1st for a meeting and you 15 all decided you wanted to have 16 another meeting, everybody would look 17 at their calendars and then you would 18 sort of pick it that way? 19 A. Yes. 20 Q. How would you then 21 communicate that to Mr. Baillie as to 22 when your next meeting was? 23 A. Through summary of the 24 notes, number one, and then number</p>
<p style="text-align: center;">34</p> <p>1 think he did. He said more than 2 ten. 3 Q. I'm trying to get an idea 4 if it's more than 10 is it also less 5 than 20? 6 A. It was probably less than 7 20. 8 Q. All right. So somewhere 9 between 10 and 20; that's your best 10 recollection? 11 A. Yes. 12 Q. And typically approximately 13 how many persons would actually attend 14 the committee meetings? And again, 15 I'm just asking for a range. 16 A. No, I understand. Anywhere 17 between the 10 and the 20. 18 Q. Okay. Would there be an 19 announcement that would be 20 communicated to the committee members 21 announcing the meeting? 22 A. Yes. 23 Q. How was the scheduling of 24 meeting communicated to the members?</p>	<p style="text-align: center;">36</p> <p>1 two, we would also send out a 2 reminder that the Diversity Committee 3 was meeting on the next meeting was 4 such and such date and time. 5 Q. Was that -- how was that 6 reminder communicated? Was it a 7 letter, a phone call, e-mail? 8 A. Probably -- it was -- it 9 would have been electronic mail. 10 Q. I believe you indicated 11 there was notes made from each 12 meeting? 13 A. Yes. 14 Q. Would it be minutes-type 15 notes in terms of a recording -- 16 A. No. 17 Q. -- of what took place? 18 A. It would be a kind of 19 handwritten notes that somebody might 20 put down about what we talked about, 21 what direction we were going to go, 22 things that we might want to try to 23 do in the future, and follow-up items 24 for our next meeting.</p>

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<p style="text-align: center;">37</p> <p>1 Q. Who -- was there one 2 particular person that had the task 3 of keeping notes at the meetings and 4 then passing those out to the 5 members? 6 A. I actually did it most of 7 the time. 8 Q. Did you retain those notes 9 from your meetings of the Cincinnati 10 Diversity Committee? 11 A. No. Not -- I don't have 12 them now, no. 13 Q. Who would have those notes 14 now? 15 A. You know what, I have no 16 idea. 17 Q. When you left, do you have 18 any recollection of turning over the 19 notes to anyone? 20 A. I don't recall. I don't 21 remember giving the notes about -- 22 from the Diversity Committee. The 23 only thing I do recall is I may have 24 given information -- no, no, I</p>	<p style="text-align: center;">39</p> <p>1 to them. I would just keep an 2 electronic folder. 3 Q. But you're not aware of 4 anyone like a recording secretary or 5 anyone who would keep these notes 6 that you prepared and send out to the 7 members in a binder or some sort of 8 permanent record? 9 A. Not that I'm aware of, no. 10 Q. Was there some type of file 11 or folder that was kept for the 12 committee that would contain 13 information regarding the Outreach 14 programs and the other ideas that you 15 all were implementing? 16 A. As I mentioned, just my own 17 personal. After I would transfer, 18 send the notes out electronically, I 19 would keep those but that folder I 20 have no idea where it is. 21 Q. Do I understand, though, 22 there would have been a folder that 23 would have contained things like 24 correspondence, things of that nature?</p>
<p style="text-align: center;">38</p> <p>1 apologize. Strike that. 2 No, I don't recall 3 giving notes or anything to anybody. 4 Q. Do you recall whether Diane 5 Haggard made notes? 6 A. She -- she may have. 7 Q. You don't recall either way? 8 A. If she made her own notes, 9 I don't have a specific recollection 10 of that but she could have. 11 Q. Do you know whether these 12 notes were in a binder or some sort 13 of permanent record? 14 A. Which notes? Her notes or 15 my notes? 16 Q. Your notes from these 17 meetings? 18 A. My notes I normally would 19 keep in a folder where I would 20 transfer them to an electronic mail, 21 as I mentioned before, and I would 22 send that out. So members of the 23 committee, they may have kept those 24 notes, and how they kept them is up</p>	<p style="text-align: center;">40</p> <p>1 A. For the Diversity Committee, 2 yes, there should be. There should 3 have -- there probably -- there was a 4 folder at some point that kept that 5 information, yes. 6 Q. Did you continue as a 7 Diversity Committee co-chair up until 8 the time you left the Cincinnati 9 branch? 10 A. No. 11 Q. When did you last serve as 12 a co-chair for the Diversity 13 Committee? 14 A. End of the first quarter in 15 2002. 16 Q. Do you recall who took over 17 for you as a co-chair for the 18 committee? 19 A. No. 20 Q. To your knowledge, did 21 anyone replace you? 22 A. Not that I'm aware of. 23 Q. Did the Diversity Committee 24 end or did it continue after you were</p>

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<p style="text-align: center;">41</p> <p>1 no longer the co-chair?</p> <p>2 A. To my recollection, it still</p> <p>3 exists.</p> <p>4 Q. Do you know who the current</p> <p>5 co-chairs would be?</p> <p>6 A. I believe Diane Haggard is</p> <p>7 still involved in it. Other than</p> <p>8 that, I don't know.</p> <p>9 Q. What was Diane Haggard's</p> <p>10 role at the Cincinnati branch during</p> <p>11 the time that you served as the</p> <p>12 regional claim manager?</p> <p>13 A. For a portion of it, she</p> <p>14 was the human resource manager and I</p> <p>15 -- I believe when I first arrived she</p> <p>16 was an underwriting manager.</p> <p>17 Q. At the time that you left</p> <p>18 in March of '03, was she still</p> <p>19 serving as the H.R. manager?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall whether or not</p> <p>22 you ever complained to Diane Haggard</p> <p>23 in some manner regarding Doug Baillie?</p> <p>24 A. Yes.</p>	<p style="text-align: center;">43</p> <p>1 with the first one that you recall</p> <p>2 and tell me what complaint you made</p> <p>3 to Diane Haggard regarding Doug</p> <p>4 Baillie.</p> <p>5 A. Well, like I said, I don't</p> <p>6 -- I didn't specifically recall which</p> <p>7 or what instances I had a</p> <p>8 conversation with Diane about but</p> <p>9 there were a couple of occasions in</p> <p>10 which there were things that occurred</p> <p>11 that I may have talked to Diane about</p> <p>12 because there are things they just</p> <p>13 kind of stick out in my head today.</p> <p>14 Q. Tell me what things stick</p> <p>15 out in your head.</p> <p>16 A. No particular order. The</p> <p>17 first time -- or one of the things</p> <p>18 that just really stuck out was one of</p> <p>19 the first renewal CIS meetings that</p> <p>20 Dieter Korte, who was the CIS</p> <p>21 regional manager I believe at the</p> <p>22 time --</p> <p>23 Q. I'm having a little trouble</p> <p>24 hearing you. Peter who?</p>
<p style="text-align: center;">42</p> <p>1 Q. What do you recall?</p> <p>2 A. I recall some instances in</p> <p>3 which I would have spoken to Diane</p> <p>4 about or possibly, you know, kind of</p> <p>5 express some frustration to her about</p> <p>6 how some things that I had seen were</p> <p>7 what I would consider in my opinion</p> <p>8 not appropriate for the branch manager</p> <p>9 or regional branch manager.</p> <p>10 Q. If I understand you, you're</p> <p>11 saying on more than one occasion you</p> <p>12 complained to Diane Haggard about Doug</p> <p>13 Baillie?</p> <p>14 A. Unfortunately I didn't keep</p> <p>15 records of every time that I had a</p> <p>16 conversation with Diane about Doug,</p> <p>17 but there would have been more than</p> <p>18 one occasion in which I would have</p> <p>19 had a discussion with her about</p> <p>20 things that occurred and my</p> <p>21 perceptions of his lack of leadership</p> <p>22 ability.</p> <p>23 Q. Well, presuming that there's</p> <p>24 more than one and why don't you start</p>	<p style="text-align: center;">44</p> <p>1 A. I'm sorry. Dieter.</p> <p>2 Q. Oh, Dieter.</p> <p>3 A. And he was conducting a</p> <p>4 region -- a renewal meeting in his</p> <p>5 department. And at that time, if I</p> <p>6 recall, it was during the kind of it</p> <p>7 was a big deal because they were</p> <p>8 trying to -- CIS had been</p> <p>9 unprofitable and they were trying to</p> <p>10 turn around, get some rate, really</p> <p>11 one of the first, you know, trying to</p> <p>12 be the leader to move from the soft</p> <p>13 market, you know, try to push rates</p> <p>14 back up.</p> <p>15 And during that</p> <p>16 meeting, Doug walked in, in --</p> <p>17 actually in the middle of conducting</p> <p>18 it and had started reading a magazine</p> <p>19 or a newspaper.</p> <p>20 And I actually happened</p> <p>21 to be sitting at one end of the</p> <p>22 table where he was, and he flips</p> <p>23 through the paper or the news -- and</p> <p>24 on it -- it was just closes it up,</p>

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<p style="text-align: center;">45</p> <p>1 gets up, walks out of the meeting. 2 That's the first time 3 -- or that's one of the ones that I 4 recall just sticking out in my head 5 as something that I probably likely I 6 might have gone into Diane's office 7 and said, I can't believe what I just 8 saw. 9 Q. Okay. Anything else you can 10 recall about that instance? 11 A. Recall in what way? 12 Q. Or just any other facts or 13 details you can recall? 14 A. I -- I recall having a -- I 15 recall talking to Mr. Korte about it 16 and -- along the lines of I couldn't 17 believe that a big piece of this 18 guy's operation that he's supposed to 19 be leading, and this particular 20 meeting was the first big phase of 21 trying to get that all back on board, 22 that at his -- as a leader he would 23 walk in and open a newspaper and 24 completely ignore like what was --</p>	<p style="text-align: center;">47</p> <p>1 rate that -- and trying to keep 2 renewals and to make money. 3 And like I said, the 4 timing of that was -- it was pretty 5 critical and -- and, you know, Dieter 6 was a pretty vocal leader and a big 7 leader in the territory, and I don't 8 know. I just -- again, to open up 9 that newspaper was just -- it kind of 10 floored me. 11 Q. Do you know what year this 12 occurred, whether it was '99, 2000, 13 2001? 14 A. I don't recall. I don't 15 recall the year. 16 Q. You've used the term CIS. 17 Just for clarity, what -- what does 18 that mean? 19 A. Commercial insurance. 20 Q. Okay. The meeting was being 21 conducted by Mr. Korte? 22 A. Yes. 23 Q. And do you know how long 24 the meeting had been in process when</p>
<p style="text-align: center;">46</p> <p>1 like at least perceive ignore what 2 was going on in the room. 3 Again, I was -- I was 4 -- I was pretty amazed that somebody 5 would do that. 6 Q. Do you know when this 7 instance occurred? 8 A. I don't specifically 9 remember the date but it was along 10 the lines when -- it had to have 11 been -- oh, I'd be guessing if I 12 thought the date. 13 It was when we were 14 starting to get -- starting to work 15 on trying to get rate. So it was 16 more than one of the earlier meetings 17 in the process which at that time it 18 wasn't like, you know, the last six 19 months or so where, you know, the 20 rest of the market was on board. I 21 mean, we were trying to do some 22 things in -- in CIS that were very 23 difficult, were very, very difficult. 24 Sending a message of needing more</p>	<p style="text-align: center;">48</p> <p>1 Mr. Baillie came in? 2 A. I don't specifically recall, 3 no. 4 Q. Was -- where was the meeting 5 held? At the branch? 6 A. It was in the branch in the 7 board room. 8 Q. Do you know the actual or 9 approximate number of persons present? 10 A. It would just be a guess 11 but there were -- there had to have 12 been more than -- there probably were 13 more than five people. Maybe not as 14 many as ten. But if I remember 15 correctly, at that time there was -- 16 there were -- there were -- there 17 were a good number of people sitting 18 at that table. I just can -- I 19 don't recall who specifically, but I 20 recall the table being somewhat full. 21 Q. What was Mr. Korte's 22 position? 23 A. You mean in the branch? 24 Q. Yes.</p>

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1 A. Dieter was the regional  
2 manager for that department.  
3 Q. He's the regional manager  
4 for commercial insurance?  
5 A. Yes.  
6 Q. Okay. Was this a managers'  
7 meeting, so to speak, for his  
8 department?  
9 A. No.  
10 Q. I mean, who were the people  
11 that were present?  
12 A. Myself from the service  
13 department. There would have been  
14 people -- different department  
15 managers possibly. There could have  
16 been underwriters there.  
17 Like I said,  
18 specifically I don't recall like who  
19 participated exactly in that meeting  
20 from the underwriting side but there  
21 would have been underwriters, possibly  
22 other underwriting managers. It could  
23 have had other service departments,  
24 loss control. I know I was the only

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1 A. I was at one end.  
2 Doug came in, sat near  
3 me, sat down. The meeting, if I  
4 recall, had already started. Sits  
5 down, flops open -- again, it was a  
6 newspaper, I think. I'm trying to  
7 picture it. And starts flipping  
8 through it like as these guys are  
9 talking about upcoming renewals and  
10 agents and what they're trying to do  
11 with clients and the strategy to do  
12 it.  
13 And it's -- he gets  
14 through it in I forget how much time  
15 but he gets done with the magazine,  
16 folds it, and it's like, okay, I got  
17 to go, see you.  
18 Again, it was just -- I  
19 don't know. It was just a -- it was  
20 unbelievable.  
21 Q. Do you know whether or not  
22 Mr. Baillie was expected to make some  
23 presentation at that meeting?  
24 A. He should have paid

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1 claims person there.  
2 Q. If I understood you  
3 correctly, you said you think about  
4 five to ten people were there?  
5 A. No. I was trying to  
6 visualize. The table itself, if I  
7 recall, was pretty full and that's  
8 easily more than ten people at the  
9 table. So like I said, this was one  
10 of the first ones and there were  
11 probably there had to have been more  
12 than ten people there, but again, I  
13 can't give you a specific number. I  
14 wish I could.  
15 Q. When Mr. Baillie came in,  
16 you're saying he sat like at the end  
17 of the table?  
18 A. He sat -- the table was  
19 oval.  
20 Q. It's oval?  
21 A. Just about -- I'm trying to  
22 think. Is it oval? I was at one  
23 end.  
24 Q. Oh, you were at one end?

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1 attention.  
2 Q. That's not my question, sir.  
3 I ask you to respond to the question.  
4 Do you know whether or  
5 not Mr. Baillie was expected to make  
6 a presentation at the meeting? Yes  
7 or no?  
8 A. I can't answer that yes or  
9 no. I'm not aware of anything that  
10 he was going to do at that meeting.  
11 Q. All right. Other than Mr.  
12 Korte, who else was making a  
13 presentation or making comments at the  
14 meeting that you recall?  
15 A. Specifically at that  
16 meeting?  
17 Q. Yes.  
18 A. Specifically at that  
19 meeting, there could have been --  
20 during one of the renewal process  
21 during the meeting, underwriters would  
22 talk about various accounts that were  
23 coming up for renewals. So the  
24 participation was through a lot of

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1 people.  
2 Like basically it was a  
3 pretty open forum in which there  
4 would be dialogue about an upcoming  
5 event. The agent involved, you know,  
6 maybe somebody else would want to  
7 talk about something that they had  
8 been working on with that agent in  
9 the past and how -- you know, what  
10 had worked well.

11 So there was a lot of  
12 sharing information, and that was, you  
13 know, one of the benefits of that  
14 meeting is we were trying to approach  
15 this almost as a team approach.

16 So there was --  
17 without, you know, any sort of  
18 specifics of everybody taking ten  
19 minutes to do their presentation, it  
20 just was created to create a lot of  
21 dialogue. So a lot of people  
22 participated.

23 Q. Okay. I understand. So it  
24 was -- it appeared to you to be a

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1 providing some feedback on a  
2 particular account, is this good from  
3 a claim perspective, what would be  
4 the risk to kind of give them again  
5 a different perspective and analysis  
6 of -- of a particular account coming  
7 up.

8 So in that particular  
9 meeting, I don't specifically recall  
10 everything I said; but in those  
11 meetings, that's the participation  
12 that I would -- that I would take.

13 Q. All right. I understand  
14 from your testimony that you thought  
15 it was unprofessional or inappropriate  
16 what Mr. Baillie did. Was there  
17 anything that you recall, a question  
18 or a comment, that you felt  
19 specifically that he should have  
20 responded to?

21 A. I can't --

22 Q. I'm asking you is there  
23 something you recall? Yes or no?

24 A. It's not a yes or no

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1 meeting of which people could be free  
2 to express their ideas in, as you  
3 say, sort of an open dialogue?

4 A. There -- yes, there was some  
5 open -- there was open discussion,  
6 yes.

7 Q. Do you recall whether or not  
8 you participated in the meeting?

9 A. In that particular meeting?  
10 I would participate in these meetings  
11 from a claim perspective, yes.

12 Q. Okay. Do you recall what  
13 -- what comments you may have made at  
14 that meeting?

15 A. At that particular meeting,  
16 I do not recall the comments. But  
17 in those meetings, as I said, I would  
18 provide some claim information,  
19 including looking at an account coming  
20 up on renewal to see if there were  
21 any losses that were outstanding that  
22 we weren't aware of, possibly checking  
23 on the status of current losses to  
24 see maybe where they were going, also

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1 question to me, and I apologize for  
2 that, but it's hard to say was there  
3 something he should have responded to  
4 when he was reading a newspaper --

5 Q. Sir, that's not my question.

6 A. -- so is there --

7 Q. Please listen to my  
8 question. I'm asking you -- and I  
9 think you can answer it yes or no  
10 and then certainly explain.

11 Do you recall a comment  
12 that you felt he should have  
13 responded to? Yes or no?

14 MR. MONTGOMERY: Let me  
15 just object; and if he says he can't  
16 answer yes and no, that's a perfectly  
17 legitimate response.

18 MR. NAPIER: Well, all  
19 right.

20 Q. Sir, can you -- can you  
21 answer my question?

22 A. In those -- in those  
23 meetings and the discussions that were  
24 typically brought up about renewals,

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1 agents, then, yes, as the branch  
2 manager Doug should have been free  
3 and should have been in there giving  
4 his two cents and advice or  
5 suggestions about the best way to  
6 possibly renew an account, a  
7 particular account, what might work  
8 better, how to work with that agent.  
9 Yes, he should have been in there  
10 saying some comments.

11 Specifically on an  
12 account as I sit here today that he  
13 -- that we specifically talked about  
14 on that specific day, that's difficult  
15 because I can't recall the specific  
16 accounts.

17 However, he also wasn't  
18 there for the whole meeting. So  
19 again, it's a little bit difficult  
20 for me to say was there something  
21 that came up that he should have  
22 responded to. You know, again, when  
23 he wasn't there for the whole meeting  
24 and when he was there wasn't even

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1 A. A specific recollection, I  
2 may have. I don't -- as I said  
3 before, I didn't keep records of  
4 every time that I would have talked  
5 to Diane.

6 Q. All right. Sir, let me  
7 interrupt you. I'm going to ask you  
8 not to speculate. That's what I'm  
9 trying to find out.

10 Do you have a  
11 recollection today of complaining to  
12 Diane Haggard about this? Yes or no?

13 A. I don't recall speaking --  
14 whether or not I did speak with her.

15 Q. All right. Did you complain  
16 to anyone else about this instance of  
17 Mr. Baillie reading a newspaper during  
18 a meeting?

19 A. I am sure I mentioned to  
20 Dieter. Oh, yes, I am sure I  
21 mentioned something to Dieter.

22 Q. Do you have a recollection  
23 of mentioning this to Dieter?

24 A. In -- yes.

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1 paying attention, it's hard for me to  
2 say -- answer that question.

3 Q. All right. You'd agree with  
4 me, would you not, you didn't have  
5 any knowledge of where Mr. Baillie  
6 had been previously or what demands  
7 he may have had that took up his  
8 time prior to his arrival at the  
9 meeting; isn't that correct?

10 A. I don't know where Doug was  
11 prior to the meeting, no.

12 Q. Now, you've described this  
13 as one instance that you then  
14 complained to Miss Haggard about; is  
15 that correct?

16 A. Actually I think I described  
17 this as an instance that stuck out in  
18 my head that it's quite possible one  
19 of the instances that I had talked to  
20 Diane about.

21 Q. Okay. You use the word  
22 possible. Do you have a recollection  
23 or memory of complaining to her about  
24 this instance that you have described?

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1 Q. Okay. I believe you did  
2 because I think you mentioned earlier  
3 that you talked to him?

4 A. Yes.

5 Q. All right. Other than Mr.  
6 Korte, was there anyone else that you  
7 complained to about this instance of  
8 Mr. Baillie reading a newspaper during  
9 a meeting?

10 MR. MONTGOMERY: That  
11 he hasn't already covered?

12 MR. NAPIER: That he  
13 hasn't already covered.

14 THE WITNESS: If I did,  
15 I don't have a specific recollection;  
16 however, I may have mentioned it to  
17 some other managers but I don't -- I  
18 don't recall.

19 MR. NAPIER: Q.  
20 Okay. Other than this occasion that  
21 you've described, were there other  
22 occasions that you specifically recall  
23 where Mr. Baillie engaged in the same  
24 behavior of reading a newspaper during

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<p style="text-align: center;">61</p> <p>1 a meeting?</p> <p>2 A. Specifically reading a</p> <p>3 newspaper, no, but other instances</p> <p>4 that demonstrated to me this same</p> <p>5 lack of leadership, yes.</p> <p>6 MR. MONTGOMERY: Hey,</p> <p>7 Greg, he's not asking you that right</p> <p>8 now. You might -- you better try to</p> <p>9 focus more on the exact question.</p> <p>10 He's just asking about the newspaper</p> <p>11 right now.</p> <p>12 THE WITNESS: Okay.</p> <p>13 MR. NAPIER: Q. All</p> <p>14 right. What other instances other</p> <p>15 than -- I think what you've said then</p> <p>16 is you don't recall any other</p> <p>17 occasions where he read a newspaper</p> <p>18 at a meeting; is that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. All right. What other</p> <p>21 instances do you recall that you</p> <p>22 concluded he displayed a lack of</p> <p>23 leadership?</p> <p>24 A. One instance was during a</p>	<p style="text-align: center;">63</p> <p>1 branch to do a presentation.</p> <p>2 That was another</p> <p>3 instance of which it seemed as if he</p> <p>4 had gone to this managers' meeting</p> <p>5 and came back with the canned</p> <p>6 presentation and either had no idea</p> <p>7 what they talked about at the meeting</p> <p>8 or had no idea what he was presenting</p> <p>9 on these slides. And that was in</p> <p>10 front of the entire branch.</p> <p>11 Q. Anything else you recall</p> <p>12 about that instance?</p> <p>13 A. Of that particular instance,</p> <p>14 no.</p> <p>15 Q. Do you recall what year that</p> <p>16 occurred?</p> <p>17 A. No, that was only -- it had</p> <p>18 to have been maybe -- I don't recall.</p> <p>19 It might have been 2001 or 2002.</p> <p>20 Q. You indicated this was a</p> <p>21 Power Point presentation. Was this a</p> <p>22 presentation -- or did you understand</p> <p>23 this to be a presentation that he had</p> <p>24 prepared or that he had been supplied</p>
<p style="text-align: center;">62</p> <p>1 branch meeting in the branch training</p> <p>2 room in which Doug came back, and I</p> <p>3 don't recall if it was maybe a branch</p> <p>4 managers' meeting or it was some sort</p> <p>5 of off site meeting, and he came back</p> <p>6 with a Power Point presentation about</p> <p>7 things that they had talked about.</p> <p>8 And in the middle --</p> <p>9 and during the meeting while standing</p> <p>10 in front of the group -- and the</p> <p>11 group, by the way, was the entire</p> <p>12 branch -- went through a slide show</p> <p>13 presentation, a Power Point</p> <p>14 presentation, and during like in the</p> <p>15 middle of it a slide came up and</p> <p>16 Doug looked at it and had no idea</p> <p>17 what it was and said out loud, you</p> <p>18 know, words to the effect of I have</p> <p>19 no idea what this means, let's just</p> <p>20 go to the next one.</p> <p>21 And then another one</p> <p>22 came up, and he just looked as if he</p> <p>23 had never looked at this thing before</p> <p>24 he was standing in front of the</p>	<p style="text-align: center;">64</p> <p>1 by -- by someone in Chubb?</p> <p>2 A. When he began the</p> <p>3 presentation, he presented it as if</p> <p>4 this was information that he had</p> <p>5 gathered and was going to be sharing.</p> <p>6 So I --</p> <p>7 Q. What was your understanding</p> <p>8 as to where he gathered the</p> <p>9 information? I thought you said</p> <p>10 something about maybe he had come</p> <p>11 from a managers' meeting?</p> <p>12 A. That's -- yes, I thought</p> <p>13 this was information -- if I recall,</p> <p>14 I think it was a managers' meeting</p> <p>15 that he had been to and that this</p> <p>16 was information that he was going to</p> <p>17 share with the branch about things</p> <p>18 that the branch managers as a group</p> <p>19 had talked about.</p> <p>20 Q. So you understood this to be</p> <p>21 his relating information that he had</p> <p>22 gained from a branch managers'</p> <p>23 meeting?</p> <p>24 A. Yes.</p>

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DEPOSITION OF GREGORY W. TAZIC - September 5, 2003

<p style="text-align: center;">65</p> <p>1 MR. MONTGOMERY: 2 Objection, asked and answered. 3 MR. NAPIER: All right. 4 I'm just trying to get clarification. 5 MR. MONTGOMERY: Well, 6 just -- hey, and I don't mean to do 7 this on the record; but if you're 8 going to keep going over the same 9 stuff over and over again, you're 10 going to quickly run out of time. 11 MR. NAPIER: Well, I 12 don't know what you're talking about, 13 David, but let's just keep going. 14 Q. What did you understand the 15 Power -- did you understand that the 16 Power Point presentation was something 17 that he also gained -- or was 18 supplied at this branch managers' 19 meeting? 20 A. As I said, I don't know if 21 he was supplied with it or he 22 prepared it, but what he did with the 23 information in front of the meeting 24 was what I was surprised at. It was</p>	<p style="text-align: center;">67</p> <p>1 Q. Well, let me ask it this 2 way. What percentage roughly of his 3 presentation did he make this comment 4 he didn't know what the slide meant? 5 A. Percentage-wise? I don't -- 6 I don't know. 7 Q. Was it a small -- was this 8 just a few slides in a large 9 presentation or was this half of the 10 presentation? I'm just trying to get 11 an idea of -- 12 A. I would -- 13 Q. -- of what -- how much or 14 -- or -- or to what extent these 15 slides made up his presentation? 16 A. You know, I don't know from 17 a percent standpoint how many -- how 18 much -- how many of these slides made 19 up the entire presentation. What I 20 do know is that in front of the 21 group he's giving a presentation as a 22 leader and as the branch manager and 23 he gets to a part a couple of slides 24 on a Power Point and has no idea</p>
<p style="text-align: center;">66</p> <p>1 as if he had no idea what he was 2 actually presenting. 3 Q. You indicated that what 4 occurred was he came to a slide I 5 believe you said in the middle of the 6 presentation and he expressed he had 7 no idea what that slide meant? 8 A. It was that and I think 9 there were maybe one or two other 10 slides afterwards. 11 Q. Where he basically made the 12 same comment? 13 A. Yes. 14 Q. Do you remember what those 15 slides were about, what the topic 16 was? 17 A. You know what, I don't. I 18 don't recall. I'm sorry. 19 Q. Approximately how many 20 slides consisted of his presentation? 21 A. I don't recall but I don't 22 think there were that many. There 23 were maybe -- maybe 10 to 15. 24 That's not many, if that.</p>	<p style="text-align: center;">68</p> <p>1 what these things mean. 2 Q. Okay. You've expressed 3 that. 4 A. I know but that's -- you 5 asked me why -- to talk about it, 6 and that to me is along that same 7 theme of standing up as a branch 8 manager with Doug and he -- you know, 9 whether it was 10 percent or 100 10 percent, you know what, to stand in 11 front of a group and not be prepared 12 at his level, in his role in the 13 branch, that's to me -- whether or 14 not it was whatever percent, to me 15 that wasn't relevant. 16 It was a couple of 17 slides in the presentation that he 18 looked lost. And to me, whatever 19 percent it is it doesn't matter. 20 Q. Was it your perception as a 21 branch manager that he should be 22 fully informed of any and all topics 23 that would come up in the branch? 24 A. Could you say that question</p>

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1 again, please?  
2 Q. Yeah. What I'm trying to  
3 understand are you telling me it's  
4 your -- your understanding or your  
5 perception that as the branch manager  
6 he was to be fully informed of any  
7 and all topics that could come up  
8 regarding matters dealt with in the  
9 branch?  
10 A. I believe as the branch  
11 manager he should know if he's going  
12 to do the present -- a presentation  
13 in front of the group whatever topics  
14 that presentation covers, yes.  
15 Q. All right. Well, I  
16 understand that. Still you didn't  
17 answer my question, sir.  
18 Is it your -- are you  
19 indicating that -- that you understood  
20 that he was to know -- for instance,  
21 he was to know as much about -- as  
22 much about your department as you?  
23 A. No.  
24 Q. You would not expect him to

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1 and then I'll hook everybody back in.  
2 But as far as on the task aside,  
3 just plan on us calling you back in  
4 ten minutes.  
5 THE WITNESS: Okay.  
6 MR. MONTGOMERY: Okay?  
7 THE WITNESS: That's  
8 fine. All right. We'll hang up.  
9 MR. MONTGOMERY: Great.  
10 Thanks.  
11 MR. NAPIER: Bye.  
12 (discussion had off the  
13 record)  
14 MR. NAPIER: Q.  
15 Okay. Mr. Tazic?  
16 A. Yes.  
17 Q. Let's kind of pick up where  
18 we left off, if we may.  
19 Regarding this -- this  
20 branch meeting that you've talked  
21 about where Mr. Baillie made the  
22 Power Point presentation, can you tell  
23 me approximately how many people were  
24 there?

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1 be -- to know the -- to have the  
2 same level of knowledge and expertise  
3 regarding your department as yourself?  
4 MR. MONTGOMERY: That's  
5 just a question you just asked.  
6 MR. NAPIER: Okay. Is  
7 that an objection, Dave?  
8 MR. MONTGOMERY: It is.  
9 MR. NAPIER: Okay.  
10 Then fine. State the objection.  
11 MR. MONTGOMERY: Mark,  
12 we need to take a -- and you can --  
13 if you want to ask it again and have  
14 him answer again, go ahead but we do  
15 need to take a break and I do need  
16 to talk with you off the record.  
17 MR. NAPIER: Okay. All  
18 right. Do you want to -- how do you  
19 want to do this then?  
20 MR. MONTGOMERY: Well,  
21 my thought would be I've got to  
22 switch rooms anyway, so why don't we  
23 take about a ten minute break. I  
24 will call you in just a few minutes

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1 A. Approximately 50.  
2 Q. All right. When he  
3 indicated that there was a problem or  
4 he didn't know what that slide meant,  
5 did anyone volunteer or offer any  
6 information, an explanation for the  
7 slide?  
8 A. No.  
9 Q. Do you recall whether or not  
10 you ever complained to Diane Haggard  
11 about this instance that you've  
12 described?  
13 A. I may have but I  
14 specifically don't recall if I did or  
15 did not.  
16 Q. Are there any other  
17 instances that you recall where you  
18 felt that Mr. Baillie engaged in  
19 inappropriate behavior or showed a  
20 lack of leadership?  
21 A. Yes.  
22 Q. Tell me about it.  
23 A. One time -- excuse me.  
24 There was a contract with a

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1 third-party administrator for -- that  
2 was owned by one of our agents that  
3 existed in the Cincinnati branch for  
4 maybe 15 years, and that contract was  
5 agreed to by a prior branch manager.

6 And what -- when I  
7 found out about it, the purpose that  
8 the -- the intent from information  
9 that I was able to gather was that  
10 this contract had been put in place  
11 in order to help generate some  
12 additional revenue from that  
13 particular agency.

14 However, this TPA, this  
15 third-party administrator that they  
16 were using, there were some reporting  
17 issues. They were sending us like  
18 notification on claims, they were not  
19 looping us in on claims that were  
20 exceeding their authority, and there  
21 were a few other issues that we tried  
22 to correct.

23 And I had a  
24 conversation with Doug that we need

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1 agent, that the actual message that  
2 this would need to be terminated  
3 should come from Doug, and that I  
4 would be happy, you know, to be there  
5 and I could support and I could go  
6 through detail -- I could do  
7 whatever, but the message had to be,  
8 you know, from Doug to the principal  
9 of this agency. And that was what  
10 we agreed to and talked about.

11 And we drive down to  
12 this meeting, and Doug and I sit  
13 across from the principal, and they  
14 say, I know you want to talk about  
15 this third-party administrative  
16 contract, what's the deal?

17 And Doug turns to me  
18 and goes, Greg, it's your show, go  
19 ahead. Just kind of turned to me,  
20 as if everything we had talked about  
21 and how we were going to send this  
22 message and that I thought it was  
23 important and we agreed that the  
24 message to send to this agent that

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1 to figure out what we want to do  
2 with this contract. That if we want  
3 to terminate it, which I think we  
4 should, we need to do that; or if  
5 you want to use this to try to  
6 generate some additional revenue, I  
7 can work with these guys to try and  
8 -- excuse me, to try and, you know,  
9 you know, correct some of the things  
10 that were wrong.

11 In our discussions, we  
12 agreed that this was probably the  
13 time to terminate that particular  
14 third-party administrative agreement,  
15 and so Doug and I agreed to go down  
16 to visit with that agent.

17 And prior to our  
18 meeting, we discussed how we were  
19 going to do this. And my comments  
20 to Doug and my understanding of how  
21 it was going to work was that this  
22 agreement, since it had been put into  
23 place by a branch manager and that it  
24 was to generate revenue from an

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1 they were terminating this contract  
2 should come from someone at Doug's  
3 level since someone at Doug's level  
4 had agreed to it in the first place.

5 We sat across there and  
6 it was as if, you know, he just kind  
7 of threw it to me and said it's your  
8 responsibility but again just kind of  
9 turned to me and just said, you know,  
10 Greg, and that was it and just stared  
11 blankly at me.

12 And that was an  
13 instance of which again going back to  
14 what I thought which was the  
15 leadership issue.

16 Q. Were you able then to  
17 fulfill Doug's expectations and go  
18 ahead and explain I guess to the  
19 principal that the contract was being  
20 terminated?

21 A. I tried to explain it as  
22 best I could.

23 Q. Did Doug reprimand you or  
24 anything of that nature following the

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1 meeting about the manner in which you  
2 performed that task?

3 A. No.

4 Q. Okay. Did you report this  
5 instance to Diane Haggard?

6 A. Again, I don't specifically  
7 recall but it could be one that I  
8 did talk to her about and mention to  
9 her.

10 Q. But you have no recollection  
11 of doing so?

12 A. I don't specifically recall  
13 if I did or did not.

14 Q. Were there any other  
15 instances involving Doug Baillie where  
16 you felt that his conduct was  
17 inappropriate or showed a lack of  
18 leadership?

19 MR. MONTGOMERY: We're  
20 talking about specific instances?

21 MR. NAPIER: Yes.

22 THE WITNESS: Yes,  
23 there were.

24 MR. NAPIER: Q. All

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1 A. He -- basically when this  
2 occurred --

3 Q. You're talking about the  
4 Scott-Pontzer decision?

5 A. The Scott-Pontzer decision.  
6 I kind of ran with it from a claims  
7 side of things that we would need to  
8 do.

9 Underwriting, Dieter  
10 Korte ran with it from an  
11 underwriting perspective about things  
12 that were important and he looked at  
13 his book and was looking at the  
14 region.

15 Gary DaLong (phonetic),  
16 the branch manager up in Cleveland,  
17 was constantly asking us about it,  
18 what are we going to do, what's your  
19 plan, let's talk about it, let's get  
20 the strategy going, let's figure out  
21 what we were going to do.

22 And Doug like just  
23 again was not -- seemed very  
24 disinterested or -- or didn't

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1 right. What's the next one?

2 A. Another one had to do with  
3 all of the issues that occurred with  
4 Ohio UM and the Scott-Pontzer  
5 decision. He -- when this happened,  
6 he -- and I'll try to describe it.  
7 He was -- he was not very engaged in  
8 the underwriting piece of it or the  
9 claims piece of it as much as I  
10 think we tried to keep him informed  
11 about what was going on.

12 When I would talk to  
13 him, I ended up -- I felt like I was  
14 constantly telling him the same  
15 things, had to kind of keep  
16 reinventing the wheel and keep  
17 explaining, but he seemed to not be  
18 very engaged in this entire process  
19 for the first, you know, for probably  
20 the first year, year and whatever of  
21 when this rolled out.

22 Q. When you use the term not  
23 very engaged, what do you mean by not  
24 engaged?

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1 understand it or just he seemed to  
2 distance himself from any involvement  
3 of what we were trying to do as a  
4 region to maybe correct the issue or  
5 see what we can do internally to try  
6 to, you know, make sure that we can  
7 kind of keep the boat going in the  
8 right direction.

9 Q. Now, you say DaLong would  
10 contact you. You were the regional  
11 claim manager, correct?

12 A. Yes.

13 Q. And was he the claim manager  
14 in Cleveland?

15 A. Gary is the branch manager  
16 in Cleveland.

17 Q. Branch manager.

18 Do you know whether he  
19 was contacting Doug regarding the same  
20 matter?

21 A. I'm not sure.

22 Q. Was there something called a  
23 home office strategy session on the  
24 Ohio UM crisis?

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1 A. Yes.  
 2 Q. What was that?  
 3 A. That actually was -- as I  
 4 said, that occurred a little bit  
 5 later on. That -- it was actually  
 6 -- there were several meetings leading  
 7 up to that with some folks from home  
 8 office about from an underwriting  
 9 perspective, what Pontzer meant,  
 10 things that they can do.  
 11 This was the -- kind of  
 12 the A meeting after a few initial  
 13 ones that they had in home office  
 14 with several of the underwriting  
 15 folks. I think -- I'm trying to  
 16 remember who else went. Doug went to  
 17 that meeting.  
 18 Q. You're talking about this  
 19 home office strategy session?  
 20 A. If that was -- yes. I  
 21 don't know what the meeting was  
 22 called but there was a meeting at  
 23 home office in which I know that like  
 24 some of the underwriters went, Doug

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1 A. There were some discussions  
 2 with Doug about what was going on  
 3 with Scott-Pontzer and the things that  
 4 underwriting was doing, yes, were  
 5 doing.  
 6 Q. You described him as not  
 7 being fully engaged -- or not very  
 8 engaged I believe was the word you  
 9 used, but you did have some  
 10 interaction with Mr. Baillie regarding  
 11 the Scott-Pontzer and the Ohio UM  
 12 issue?  
 13 MR. MONTGOMERY:  
 14 Objection, asked and answered.  
 15 MR. NAPIER: Q. Was  
 16 that correct?  
 17 A. Yes, I did have interaction  
 18 with Doug about that, yes.  
 19 Q. All right. Other than this  
 20 Scott-Pontzer issue, were there any  
 21 other instances in which you felt Mr.  
 22 Baillie -- Mr. Baillie showed a lack  
 23 of leadership or engaged in  
 24 inappropriate behavior as a regional

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1 went --  
 2 Q. Did you go?  
 3 A. No, I didn't go to that  
 4 one. I had actually been in home  
 5 office like two prior meetings on --  
 6 or actually I had been to home office  
 7 once before on this with several  
 8 world-wide underwriting managers and  
 9 then -- and claims folks and then we  
 10 also had some of the underwriting  
 11 managers out in the Ohio Valley and  
 12 had done kind of an update and things  
 13 that were going on.  
 14 So at this particular  
 15 meeting, I had a discussion with my  
 16 -- or a discussion with one of the  
 17 managers in home office and claims  
 18 and the idea was, you know, it  
 19 probably wasn't necessary for me to  
 20 go at that point.  
 21 Q. Did Doug -- did Mr. Baillie  
 22 interact with you during the  
 23 development of an Ohio uninsured  
 24 motorist strategy, so to speak?

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1 or branch manager?  
 2 A. Other than the other  
 3 instances that I've listed?  
 4 Q. Correct.  
 5 A. Those were the ones that  
 6 stand out in my -- in my head.  
 7 Q. Regarding the Scott-Pontzer  
 8 matter and how you viewed Mr. Baillie  
 9 as not being very engaged, did you  
 10 ever complain to Diane Haggard about  
 11 that?  
 12 A. I specifically do not  
 13 recall; although, I may have.  
 14 Q. Do you recall whether or not  
 15 you ever complained to Tim Szerlong  
 16 about Doug Baillie?  
 17 A. I don't recall complaining  
 18 to Tim Szerlong about Doug Baillie.  
 19 Q. Do you know whether you ever  
 20 complained to Jim Ekdahl regarding  
 21 Doug Baillie?  
 22 A. I don't recall a  
 23 conversation with Jim; although -- I  
 24 -- I don't think I would have said

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<p style="text-align: center;">85</p> <p>1 anything to Jim but I don't recall if 2 I did or did not. 3 Q. But you have no recollection 4 today of having done so? 5 A. Yeah, I don't specifically 6 recall, no. 7 Q. Would Mr. Szerlong and Mr. 8 Ekdahl on occasion come to the 9 branch? 10 A. Yes. 11 Q. And on those occasions, 12 would you have an opportunity to meet 13 with them? 14 A. Sometimes. 15 Q. When you say sometimes, how 16 frequently would you have an 17 opportunity to meet with Mr. Szerlong 18 at the branch? 19 A. They -- when Tim would come 20 through -- I don't know specifically 21 how many times he did, but I would 22 see him almost every time, 80 percent 23 of the time. I would say hello or, 24 you know, spend a few minutes with</p>	<p style="text-align: center;">87</p> <p>1 estimate as far as whether it was 2 monthly, weekly, quarterly, annually. 3 I just recall seeing him in the 4 branch on more than one occasion but 5 I don't know specifically how many 6 that would be. 7 Q. And you recall no 8 conversations with either Mr. Szerlong 9 or Mr. Ekdahl pertaining to Mr. 10 Baillie? 11 A. None that I can recall. 12 Q. Do you recall other than a 13 conversation any time in which you 14 sent any kind of communication to Mr. 15 Szerlong or to Mr. Ekdahl, such as an 16 e-mail or correspondence, when you 17 complained about Mr. Baillie? 18 A. None that I can recall. 19 Q. Was it your estimation or 20 your evaluation that Mr. Baillie had 21 some strengths as a branch manager? 22 A. My evaluation is that -- of 23 Doug as a branch manager is I would 24 say he probably -- I would say he</p>
<p style="text-align: center;">86</p> <p>1 him. 2 Q. During the course of a year, 3 how many times would he come to the 4 branch, if you recall? 5 A. I cannot recall the number. 6 Q. And would it be once a 7 year, six times a year? I'm just 8 trying to get a sense of what you 9 recall. 10 A. Honestly I don't recall if 11 it was less -- less than ten or once 12 -- maybe less than ten. I don't 13 know the answer. I'm sorry. 14 Q. And how about Mr. Ekdahl, 15 how often would he visit the branch? 16 A. Again, I can't recall the 17 number of times that Jim visited the 18 -- the branch. 19 Q. Without knowing the actual 20 number of times, you just don't have 21 any recollection of an approximate, 22 whether it was quarterly, monthly, 23 annually? 24 A. No, I don't have any</p>	<p style="text-align: center;">88</p> <p>1 had one strength. 2 Q. What was that? 3 A. For a limited number of 4 agents, he was fairly sociable with 5 them and that's a pretty small piece 6 of the job. 7 Q. Any other strengths that you 8 observed in Mr. Baillie as a branch 9 manager? 10 A. No. 11 Q. Are you familiar with the 12 Chubb Code of Conduct? 13 A. Yes. 14 Q. Were there any occasions 15 where you felt Mr. Baillie violated 16 the Chubb Code of Conduct? 17 A. Well, there was one instance 18 in which I thought at a golf outing 19 that I was with Doug that his 20 behavior towards the end of the round 21 seemed a little unusual, and he had 22 had a couple of beers or had been 23 drinking basically the entire round, 24 and we were with an agent and an</p>

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DEPOSITION OF GREGORY W. TAZIC - September 5, 2003

<p style="text-align: center;">89</p> <p>1 attorney. So, yes, one instance. 2 Q. What do you recall about his 3 behavior that you felt was 4 inappropriate? 5 A. It appeared to me that 6 towards the end of the round, the 7 last couple of holes, he was acting 8 in a way that indicated to me that 9 he may have had a couple of drinks 10 too many. 11 For example, you know, 12 he was lining up a putt and was 13 basically like instead of how most 14 people do it where you maybe bend 15 down, bend your knees, he was kind of 16 laying on the ground on his belly 17 kind of cupping his hands over his -- 18 the bill of his baseball hat. It 19 was just odd, and he hadn't done that 20 when he was lining up putts earlier. 21 So he just seemed to -- 22 his behavior just got a little bit, I 23 don't know, a little bit looser. 24 Q. Other than that circumstance</p>	<p style="text-align: center;">91</p> <p>1 I was aware of. 2 Q. Were there any other 3 occasions, such as golf outings, 4 social functions, marketing functions, 5 where you felt Mr. Baillie engaged in 6 inappropriate behavior? 7 A. Other than the instances 8 that I had listed before like those 9 ones that we had talked about, those 10 individual instances, I can't recall 11 any other ones. 12 Q. All right. You indicated 13 earlier in your testimony that Mr. 14 Baillie had made a comment I believe 15 regarding working women that you felt 16 was inappropriate. Were there any 17 other occasions you recall when he 18 made comments that you felt were 19 sexist or demeaning to women? 20 A. Not that I can recall. 21 You guys there? 22 Q. Yeah, we're here. 23 Give me a few moments. 24 I'm looking over my notes. I think</p>
<p style="text-align: center;">90</p> <p>1 you described where he was lying down 2 I guess to line up a putt, anything 3 else that caused you to believe that 4 his behavior was inappropriate? 5 A. Or -- on that occasion or 6 overall? 7 Q. On that occasion? 8 A. No, that was about it. 9 Q. Do you have a recollection 10 of -- or did you know how much 11 alcohol he had consumed? 12 A. I did not keep track of the 13 number of beers Mr. Baillie had that 14 day. 15 Q. Were you part of his 16 foursome? 17 A. Yes. 18 Q. This was toward the end of 19 18 holes? 20 A. Yes. 21 Q. Was this the only round that 22 was played that day or were you all 23 playing a second round of 18? 24 A. That was the only round that</p>	<p style="text-align: center;">92</p> <p>1 we're -- we're getting towards the 2 end. 3 Did you feel that Mr. 4 Baillie supported your claims 5 operations? 6 A. No. 7 Q. Why do you -- what's the 8 basis of your opinion that he did not 9 support your claims operations? 10 A. He didn't really get 11 involved in any of my operation so I 12 don't think he either -- I don't 13 think he supported it at all. I -- 14 I -- he wasn't engaged in the claim 15 piece. 16 Q. He left that up to you? 17 A. Yes, I managed that piece, 18 yes. 19 Q. If you -- and again, I want 20 to make sure I understand this. If 21 you had a question or -- or a matter 22 that you needed to discuss with Mr. 23 Baillie, did he ever refuse to meet 24 with you?</p>

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DEPOSITION OF GREGORY W. TAZIC - September 5, 2003

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1 A. Is this in -- just in  
2 general or claims related?  
3 Q. We'll say claims related.  
4 A. Could you answer -- ask that  
5 question again, please?  
6 Q. Sure. In operating claims,  
7 did you ever have a question or a  
8 topic that you wanted to discuss with  
9 Mr. Baillie in which he refused to  
10 meet with you?  
11 A. No.  
12 Q. All right. Just a few  
13 moments, gentlemen.  
14 Sir, how were -- how  
15 did you first learn that Mr.  
16 Baillie's employment with Chubb was  
17 terminated?  
18 A. I received a phone call at  
19 home from Dieter Korte I believe it  
20 was Friday night.  
21 Q. Was this -- did you  
22 understand this to be the same day  
23 that Mr. Baillie was terminated?  
24 A. Yes.

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1 said -- you know, a question was like  
2 whether or not I was surprised, and  
3 you know, my comment to Dieter was  
4 all of the things that, you know, and  
5 all of the comments and all of the  
6 things that we had talked about with  
7 respect to lack of leadership and we  
8 didn't think Doug was -- had the  
9 skills that it took to be a good  
10 regional manager or a branch manager.  
11 You feel sorry for him,  
12 but you know what, it was -- you  
13 feel sorry for him but not surprised.  
14 Q. Had you and Mr. Korte had  
15 discussions in which you both  
16 expressed that you did not feel that  
17 Mr. Baillie had the leadership skills  
18 to run the region or the branch?  
19 A. Along the same lines of  
20 maybe some discussions I would have  
21 had with Diane and some other  
22 managers.  
23 I don't specifically  
24 recall; but over the course of Doug's

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1 Q. What do you recall Mr. Korte  
2 saying?  
3 A. Just that Doug had been --  
4 he -- Doug called me -- Dieter said  
5 that Doug called him and that he was  
6 -- he was fired.  
7 Q. Do you recall Mr. Korte  
8 saying anything else?  
9 A. No.  
10 Q. Do you recall what your  
11 reaction was?  
12 A. I felt sorry for Doug.  
13 Q. Why was that?  
14 A. I worked with Doug in the  
15 same branch for a number of years,  
16 and you never like to hear that  
17 somebody is sort of fired. I mean,  
18 you never want to hear about anybody  
19 losing their job. It's human nature.  
20 Q. Anything else you can recall  
21 that either you or Mr. Korte may have  
22 said in that phone conversation?  
23 A. We talked a little bit  
24 about, you know, just -- you know, I

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1 role, there were -- you know, we  
2 would talk, for example, like the  
3 newspaper incident. You know, Dieter  
4 and I, as I mentioned before,  
5 probably had, you know, some dialogue  
6 about that, and there were those  
7 things that had occurred.  
8 So when Doug was let  
9 go, like I said, I felt sorry for  
10 him and sad but not necessarily  
11 surprised.  
12 Q. Other than the instances  
13 that you've testified about today, are  
14 there any other instances that you  
15 recall that you and Mr. Korte  
16 discussed which served as a basis for  
17 your belief that Mr. Baillie did not  
18 hold the skills to lead the region or  
19 the branch?  
20 A. I can't recall specific  
21 examples other than the ones that  
22 I've shared with you. As I  
23 mentioned, those are the ones that  
24 stick out in my head.

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DEPOSITION OF GREGORY W. TAZIC - September 5, 2003

<p style="text-align: center;">97</p> <p>1 Q. In preparing for your 2 deposition today, did you review any 3 documents? 4 A. No. 5 Q. In preparing for your 6 deposition today, did you talk to 7 anyone other than counsel? 8 A. No. 9 Q. You indicated previously you 10 had given two prior depositions. Do 11 you recall the circumstances of those 12 depositions? 13 A. Yes. 14 Q. What were they? 15 A. Both involved coverage 16 disputes with insureds when I worked 17 in the claim department. 18 Q. Have you had any 19 communications with Doug Baillie since 20 he was terminated? 21 A. Yes. 22 Q. What communications have you 23 had with Doug? 24 A. After Doug was terminated,</p>	<p style="text-align: center;">99</p> <p>1 branch was doing and then mentioned 2 to me that, you know, still he didn't 3 understand why, you know, why he was 4 terminated, and that while he's, you 5 know, been looking for a job, that's 6 -- that's been the biggest challenge, 7 is trying to explain why he's no 8 longer with Chubb, and that was the 9 extent of it. 10 Q. Anything else that he said 11 that you can recall? 12 A. That was the only thing that 13 Doug and I mentioned in small talk. 14 Q. What was your response, if 15 you can recall, when he made these 16 comments? 17 A. I actually didn't say 18 anything. I just kind of, you know, 19 kind of stood there and, you know, 20 let him say it, and I didn't -- you 21 know, I didn't comment one way or the 22 other. 23 Q. Other than that conversation 24 that you and he had at the training</p>
<p style="text-align: center;">98</p> <p>1 there was a training seminar on, if I 2 recall correctly, I think it had to 3 do with Pontzer as well and it was 4 from a plaintiff attorney perspective. 5 And Doug was there at 6 that seminar, and I forget who it was 7 hosted by, but it was in downtown 8 Cincinnati, and I went to this 9 session, and I saw Doug there. 10 Q. When you say a training -- 11 a training seminar, this was some 12 seminar that -- that was apart from 13 Chubb? 14 A. Correct. 15 Q. It was like an industry 16 seminar? 17 A. Yes. 18 Q. Did you have some 19 discussions or conversation with Doug 20 at that training seminar? 21 A. Yes. 22 Q. What do you recall about 23 your conversations with Doug? 24 A. He asked about how the</p>	<p style="text-align: center;">100</p> <p>1 seminar, were there any other times 2 where you had some communication or 3 interaction with Doug Baillie since 4 his termination? 5 A. No. 6 MR. NAPIER: All right. 7 Mr. Tazic, thank you very much. I 8 appreciate you appearing today. I 9 have no further questions. 10 MR. MONTGOMERY: Thanks 11 a lot. That's it. 12 THE WITNESS: All done? 13 MR. NAPIER: Yeah. 14 All right. Lisa? 15 MS. COURT REPORTER: 16 Yes. 17 MR. NAPIER: Yeah, if 18 you could go ahead and we'll go ahead 19 and take a copy -- or take the 20 transcript. 21 MS. COURT REPORTER: 22 Okay. Are you ordering the original 23 then? 24 MR. NAPIER: Yeah,</p>

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1 we'll order the original. There is  
2 no rush on it.  
3 MS. COURT REPORTER:  
4 Okay.  
5 MR. MONTGOMERY: I just  
6 want it expedited.  
7 MR. NAPIER: Oh, you  
8 did?  
9 MR. MONTGOMERY: Yep.  
10 MR. NAPIER: Okay.  
11 All right.  
12 MR. MONTGOMERY: Thank  
13 you.  
14 MR. NAPIER: Thank you.  
15 THE WITNESS: Thanks,  
16 guys.  
17  
18  
19  
20  
21  
22  
23  
24

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